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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/579,032

05/10/2006

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3877

1444 7590 02/24/2009
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EXAMINER

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ART UNIT

PAPER NUMBER

1623

MAIL DATE

DELIVERY MODE

02/24/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

ADVISORY ACTION

Continuation of 3.

The proposed amendment AFTER FINAL, filed 09 Feb 2009, will not be entered because they raise new issues that would require further consideration and/or search regarding contents in the prior art and the limitations of proposed new claims 31-36, and claims 4-8 and 24-27 are proposed to be amended to depend from claim 31 and incorporate all limitations therein; and the new claims in the proposed amendment raise the issue of new matter requiring careful examination of the specification as filed, starting with the citations within the specification generously provided by Applicant.

Continuation of 7.

The correct identification is claims "1, 2, 4-8 and 23-30" rejected. The Office Action of October 8, 2008 incorrectly identifies "1, 2, 4-8 and 22-30" as rejected due to the typographical error of "22" in place of "23" at item 6 of the PTOL-326 Office Action Summary, line 6 of page 7 and line 1 of page 11. The status of claims 9, 11, 20 and 22 as withdrawn is clearly indicated in the Office Action of October 8, 2008 at item 4a of the PTOL-326 Office Action Summary and line 11 of page 2. Applicant's proposed amendment AFTER FINAL, filed 09 Feb 2009, acknowledges the status of claim 22 as withdrawn. In order to make the record clear, claim 22 remains withdrawn and has not been examined on the merits.

Continuation of 11.

Applicant's Remarks, filed 09 Feb 2009, regarding the Finality of the Office Action of October 8, 2008 have been fully considered and found not to be persuasive.

Applicant asserts that, as claim 3 was not rejected on the basis of obviousness under 35 USC 103(a) as unpatentable over Yamamoto et al. (US Patent Application Publication 2003/0211166, published 13 Nov 2003, of record) in view of Schense et al. (US Patent Application Publication 2003/0012818, published 16 Jan 2003, of record) in the Office Action of March 28, 2008, the finality of the rejection of claim 1 in the Office Action of October 8, 2008 is improper as constituting new grounds of rejection not necessitated by amendment. However, claim 1 as amended in the claims filed 30 Jun 2008 incorporates limitations not found in the canceled dependent claim 3, specifically at line 6 "in a range from 0.1 to 5%(w/v)," and lines 12-14 "wherein the crosslinking reaction is a reaction in which crosslinkages are formed by addition reaction between mercapto group and a [sic] unsaturated C-C bond", therefore claim 1 as amended in the claims filed 30 Jun 2008 is not the equivalent of claim 3 rewritten in independent form as asserted by Applicant. Further, in the Office Action of March 28, 2008, claims 1-6 and 12-19 were rejected as anticipated by Yamamoto et al. under 35 USC 102(b). It has been settled that anticipation is the epitome of obviousness. In view of the above, the new grounds of rejection under 35 USC 103(a) relying upon Yamamoto et al. in view of Schense et al. detailed in the Office Action of October 8, 2008 is deemed to have been necessitated by Applicant's Amendment, filed 30 Jun 2008, changing the scope

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and breadth of the amended claim 1, and the Finality of the Office Action of October 8, 2008 is deemed proper.

Applicant's Remarks, filed 09 Feb 2009, drawn to the proposed amendment AFTER FINAL are not persuasive, as the proposed amendment AFTER FINAL will not be entered.

/Shaojia Anna Jiang/

Supervisory Patent Examiner, Art Unit 1623